IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:19-CV-398-FL

MICHAEL TYLER MCCORMICK)	
Plaintiff,)	
V.)	ORDER
SECRETARY OF VETERANS AFFAIRS,)	
Defendant.)	

This matter comes before the court on pro se plaintiff's motion for leave to proceed in forma pauperis (DE 1) and frivolity review pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert T. Numbers, II, entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended that the court dismiss plaintiff's complaint due to failure to state a claim upon which relief can be granted and deny as moot plaintiff's application to proceed in forma pauperis. Plaintiff did not file objections to the M&R, and the time to do so has passed. In this posture, the issues raised are ripe for ruling.

The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. <u>Diamond v. Colonial Life & Acc.</u> Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); <u>Camby v. Davis</u>, 718 F.2d 198, 200 (4th Cir. 1983).

Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. Therefore, the court hereby ADOPTS the recommendation of the magistrate judge as its own. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE and plaintiff's application to proceed in forma pauperis is DENIED AS MOOT. The clerk is DIRECTED to close this case.

SO ORDERED, this the 15th day of January, 2020.

JOUISE W. FLANA AN United States District Judge